

THE HONORABLE JUDGE ROBERT J. BRYAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LAWRENCE HARTFORD, et al.,

Plaintiffs,

-vs-

BOB FERGUSON, in his official capacity as
Washington State Attorney General, et al.,

Defendants.

NO. 3:23-cv-05364-RJB

DEFENDANT ENRIGHT AND
GESE'S RESPONSE TO PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION

NOTE ON MOTION CALENDAR:
May 26, 2023

Defendants Chad Enright and John Gese, by and through their counsel of record, Senior Deputy Prosecuting Attorney Christine M. Palmer, respond to Plaintiffs' Motion for Preliminary Motion as follows:

At this time, the Defendants take no position with regard to Plaintiffs' Motion for Preliminary Injunction. In taking such a position, Defendants do not agree that Plaintiffs are likely to prevail on the merits of their claims but will allow the other parties to argue and address these issues at this preliminary stage.

Defendants respectfully request that the Court deny Plaintiffs' request to advance the trial on the merits and/or consolidate the same with the hearing on Plaintiffs' motion for preliminary

1 injunction hearing for the following reasons: (1) Defendants Gese and Enright were not given
 2 sufficient notice of Plaintiffs' Motion for Preliminary Injunction and, for this reason, consider it
 3 untimely for the Court to address the merits of the complaint; and (2) Defendants have a pending
 4 motion to dismiss Plaintiffs' claims under 42 U.S.C. § 1983 and § 1988, the result of which may
 5 impact Plaintiffs' request for final judgment.
 6

7 Plaintiffs' complaint was filed on April 25, 2023. Dkt. 1. Plaintiffs' Motion for Preliminary
 8 Injunction was filed on May 4, 2023. Dkt. 10. Defendants Gese and Enright were not served until
 9 on or after May 3, 2023. Declaration of Christine M. Palmer, ¶3. The service papers did not include
 10 a copy of Plaintiffs' motion for preliminary injunction. Id. Defendants did not formally appear in
 11 this lawsuit until May 9, 2023 and did not receive notice of Plaintiffs' motion for preliminary
 12 injunction through the e-filing system. Dkt. 18.
 13

14 Because Defendants did not receive sufficient notice of Plaintiffs' Motion for Preliminary
 15 Injunction, Defendants request that the Court not advance a trial on the merits and/or consolidate
 16 the same with the hearing on this motion.
 17

18 I certify that this memorandum contains 301 words, in compliance with the Local Civil
 19 Rules.
 20

21 Respectfully submitted this 22nd day of May, 2023.

22 CHAD M. ENRIGHT
 23 Kitsap County Prosecuting Attorney

24 /s/ Christine M. Palmer

25 CHRISTINE M. PALMER, WSBA No. 42560
 26 Senior Deputy Prosecuting Attorney
 27 Attorney for Defendants Chad M. Enright and
 28 John Gese

CERTIFICATE OF SERVICE

I certify that on May 22, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Joel B Ard
Ard Law Group PLLC
PO Box 11633
Bainbridge Island, WA 98110
joel@ard.law

Lyndsey M. Downs
Margaret Duncan
Snohomish County Prosecutor's Office
3000 Rockefeller, M/S 504
Everett, WA 98201
lyndsey.downs@co.snohomish.wa.us
margaret.duncan@co.snohomish.wa.us

Andrew R.W. Hughes
Kristin Beneski
Attorney General's Office
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
andrew.hughes@atg.wa.gov
kristin.beneski@atg.wa.gov

R. July Simpson
William McGinty
Attorney General's Office
7141 Cleanwater Dr. SW/PO Box 40111
Olympia, WA 98504-0100
July.Simpson@atg.wa.gov
william.mcginity@atg.wa.gov

Amanda M. Migchelbrink
Leslie A. Lopez
Clark County Prosecutor's Office
P.O. Box 5000
Vancouver, WA 98666
amanda.migchelbrink@clark.wa.gov
leslie.lopez@clark.wa.gov

Derek A. Lee
Angus Lee Law Firm, PLLC
9105A NE HWY 99, Suite 200
Vancouver, WA 98665
angus@angusleelaw.com

Kai A. Smith
Meha Goyal
Zachary J. Pekelis
Pacifica Law Group LLP
1191 Second Avenue, Suite 2000
Seattle, WA 98101
kai.smith@pacificallawgroup.com
meha.goyal@pacificallawgroup.com
zach.pekelis@pacificallawgroup.com

Trevor Burrus
2301 S June Street
Arlington, VA 22202
trevorburrus@gmail.com

SIGNED in Port Orchard, Washington this 22nd day of May, 2023.



Batrice Fredsti, Paralegal
Kitsap County Prosecutor's Office
614 Division Street, MS-35A
Port Orchard WA 98366
Phone: 360-337-7032